

REMARKS

It is noted that the Office Action mailed in U.S. Patent Appl. No. 10/649,397 (hereinafter “the ‘397 application”) on February 27, 2009, and indicating that certain claims would be allowable if written in independent form was previously cited in this case. An Office Action mailed in the ‘397 application on October 30, 2009, withdrew the indication that certain claims would be allowable if written in independent form based on materials cited in the ‘397 application subsequent to the Office Action of February 27, 2009.

It is submitted that the ‘397 application and the instant application do not claim the same subject matter and the claims in each of these applications present different issues of patentability.

The main reference relied upon in the Office Action mailed in the ‘397 application on October 30, 2009, to withdraw the indication of patentable subject matter was United States Patent No. 5,611,052 (hereinafter “Dykstra”) and was also used to reject claims in this case. As was previously submitted in the Response of April 3, 2008, Dykstra neither teaches nor suggests “selectively forwarding said received credit application to a plurality of funding sources.” In fact, Dykstra teaches away from the selective forwarding of an application to a plurality of funding sources, and instead teaches communications with a single funding source. Under Dykstra, a merchant “chooses a particular lender,” i.e., a single lender. Dykstra at col. 5, ln. 19–20. Dykstra therefore not only fails to satisfy all of the limitations of the present claims, it also teaches away from one of the requirements of the independent claims.

For these reasons, we respectfully submit that independent claims 1, 5, and 9, and the remaining claims, which depend therefrom, are patentable over the art of record, either taken individually or in combination, and hereby request the withdrawal of these rejections.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all grounds of rejection and objections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

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